

Consideration for recommendation for preliminary adoption of amendments to 312 IAC 2-4-12 to remove Roush State Fish and Wildlife Area from the sites which are subject to drawings for fishing tournaments; Administrative Cause No. 10-201D.

Management of J. Edward Roush Lake (formerly known as “Huntington Reservoir”) is being transferred from the Division of State Parks and Reservoirs to the Division of Fish and Wildlife. 312 IAC 2-4-12 governs exclusively fishing tournaments on lakes administered by the Division of State Parks and Reservoirs. For this reason alone, J. Edward Roush Lake may be deleted from the listing of lakes that are subject to standards governing fishing tournaments. In addition, and unlike several other lakes listed in subsection (b), the competition among potential sponsors for fishing tournament dates has not been a management challenge at Roush Lake. The Division of Fish and Wildlife believes that fishing tournaments can be adequately administered here through a “special event” license. The DNR requests the Advisory Council to recommend preliminary adoption be given to a rule amendment, as set forth below, to remove J. Edward Roush Lake (referenced in the rule section as “Huntington Lake”) from the listing of lakes that are subject to rules governing fishing tournaments.

312 IAC 2-4-12 Limitations on fishing tournaments at lakes administered by the division of state parks and reservoirs

Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-15-7-3

Affected: IC 5-14-3; IC 14

Sec. 12. (a) This section governs fishing tournaments at lakes administered by the division of state parks and reservoirs.

(b) The number of boats that may participate in a fishing tournament must not, on any date, exceed the following:

	Monroe	Salamonie	Mississinewa	Huntington	Brookville	Hardy	Patoka	Lieber	Raccoon
March	100	75	75	18	100	30	178	50	100
April	175	75	75	18	100	30	178	50	60
May	175	75	75	30	100	20	178	28	50
June	175	30	30	30	75	20	125	28	50
July	175	30	30	30	75	20	125	28	50
August	175	30	30	30	75	20	125	28	50
September	175	75	75	30	100	20	178	28	60
October	175	75	75	18	100	30	178	50	100
November	100	75	75	18	100	30	178	50	100

(c) A boat used to administer a tournament is excluded in determining the number of participating boats.

(d) The director may authorize a license for a fishing tournament under this section where the participants are not provided with the name of the lake at least ten (10) days before the tournament. A license issued under this subsection does not authorize a fishing tournament that conflicts with another license issued under this section. Subject to IC 5-14-3, the department will not publish the location of a fishing tournament issued under this subsection.

(e) Notwithstanding subsection (b), a fishing tournament on Monroe Lake, from October 15 through the end of February, is restricted to a maximum of one hundred (100) participating boats.

(f) At least thirty (30) days before the scheduled event, a license holder must file a certificate of insurance or an insurance binder with the department. The certificate of insurance or insurance binder shall name the license holder

and the department as insureds and shall demonstrate the license holder has obtained an irrevocable general liability insurance policy with a limitation for each of the following of not less than:

- (1) One hundred thousand dollars (\$100,000) for all damages to property for a single occurrence.
- (2) One hundred thousand dollars (\$100,000) for injury or death of one (1) person in a single occurrence.
- (3) Three hundred thousand dollars (\$300,000) for injury to or death of multiple persons in a single occurrence.

(g) Attached to the application for each property, the applicant must deliver a cash bond or other security approved by the department in the amount of one hundred fifty dollars (\$150). Bond may be forfeited for any of the following reasons:

- (1) Failure to:
 - (A) pay the user fee within the prescribed time frame;
 - (B) cancel the event within thirty (30) days from the date the application was submitted; or
 - (C) comply with section 9.5 of this rule.
- (2) Restoration of the mooring judge's or spectators' area.
- (3) Reimburse to the department for cost of supervision, maintenance, and labor.
- (4) To collect any other unpaid fees or costs that are due, including expenses incurred in the collection of the unpaid fees.

(h) Within fourteen (14) days after a tournament, the license holder must provide to the department a user fee equal to the greater of:

- (1) eighty percent (80%) of the number of boats listed on the license; or
- (2) the number of boats participating in the tournament.

If the user fee under this subsection is greater than the amount of the bond, the organization is also responsible for the difference.

(i) The amount of the fee shall be established by the director within a range of fees for this purpose approved by the commission. The director may waive the user fee if the:

- (1) tournament is held for charity where all of the profits are given to that charity; and
- (2) waiver request is:
 - (A) made in writing; and
 - (B) submitted with the application.

(j) The director may require insurance in addition to what is set forth in subsection (f) if the director determines a fishing tournament poses an unusual risk of liability to the department.

(k) A license holder shall:

- (1) indemnify;
- (2) defend;
- (3) exculpate; and
- (4) hold harmless;

the department and its officials, employees, and agents from liability due to loss, damage, injury, or other casualty to the person or property of anyone arising directly or indirectly from the activity.

(l) The department may deny a license application or may revoke a license issued under this section if any fee or cost provided under this section is delinquent. Upon the satisfaction of any delinquencies, an individual may apply for a new license. (*Natural Resources Commission; 312 IAC 2-4-12; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3932, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3320, eff Oct 1, 2003; filed Jan 5, 2005, 11:00 a.m.: 28 IR 1460; filed Jun 29, 2007, 2:32 p.m.: 20070725-IR-312060333FRA; readopted filed Jul 21, 2008, 12:16 p.m.: 20080813-IR-312080052RFA; filed Nov 1, 2010, 11:30 a.m.: 20101201-IR-312090986FRA, eff Jan 1, 2011*)